

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ILWU-PMA WELFARE PLAN, et al.,
Plaintiffs,
v.
SHARAM BORJKHANI, et al.,
Defendants.

Case No. 15-cv-04225-HSG

**ORDER TO SHOW CAUSE WHY THE
COURT SHOULD NOT SANCTION
COUNSEL FOR FAILURE TO SERVE
INITIAL DISCLOSURES AND NON-
COMPLIANCE WITH LOCAL RULES**

On March 15, 2016, the Court held a further case management conference in this matter. *See* Dkt. No. 62. At that conference, counsel for Plaintiff ILWU-PMA Welfare Plan informed the Court that counsel for Defendants Sharam Borjkhani and Salimeh Mirmotahari never served initial disclosures in this matter as required under Federal Rule of Civil Procedure 26(a).

“If a party fails to provide information or identify a witness as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or is harmless.” Fed. R. Civ. P. 37(c)(1). The Court may also, after giving the offending party an opportunity to be heard, order payment of the reasonable expenses, including attorney’s fees, caused by the failure. *Id.*


At the March 15 conference, the Court also noted that defense counsel failed to file a joint case management statement as required under Civil Local Rule 16-10(d). The Court has the authority to issue sanctions for noncompliance with local rules. Civ. L.R. 1-4.

The Court hereby **ORDERS** Defendants to show cause why the Court should not sanction defense counsel Bob Khakshooy for failing to serve initial disclosures in this case and for failing to file a joint case management statement. Counsel must file a statement of three pages or less by

March 25, 2016, that responds to this Order.

IT IS SO ORDERED.

Dated: March 18, 2016


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California